

FIFTH DAY.

Senate Chamber,
Austin, Texas,
November 12, 1932.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Senator Hardin.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parrish.
Berkeley.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	

Absent.

Cousins. Greer.

Absent—Excused.

Holbrook.	Small.
Martin.	Woodward.
Patton.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Neal.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Purl:

S. B. No. 3, A bill to be entitled "An Act to amend Sections 1 and 2, Chapter 148 of the General Laws passed by the Forty-second Legislature at its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas State Parks Board, separately, or in cooperation with each other, to acquire by gift or purchase land for public parks; providing that lands to be acquired by any such city may be situated within or without its corporate limits, in the discretion of the governing body thereof, but within the county in which

such city is situated; authorizing the issuance of bonds or warrants by any such city for park purposes; adding to said Chapter 148 a new section to be called Section 2-A, legalizing, approving and validating bonds voted by any city or town for the purpose of acquiring lands for park purposes within the corporate limits and the levy of the tax in payment of such bonds under authority of Chapter 148, of the General Laws passed at the Regular Session of the Forty-second Legislature; prescribing the maximum tax that may be levied in payment of bonds and warrants issued by cities and towns for park purposes; providing that nothing herein shall be construed as a repeal of any special charter, but that the provisions hereof shall be cumulative of any such special charter; repealing all provisions of the General Statutes in conflict herewith; declaring the legislative intent in respect of the enactment of said Chapter 148 of the General Laws of the Forty-second Legislature, Regular Session; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Read and referred to Committee on State Affairs.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 3, A bill to be entitled "An Act regulating crude petroleum oil and natural gas relative to the production, transportation and storage; amending Section 1 of Chapter 26 of the Acts of the Forty-second Legislature, First Called Session, changing the definitions of waste and prohibiting waste as defined, and eliminating the restrictions upon the power of the Commission therein contained, and eliminating the last paragraph of said section; providing that the Railroad Commission of Texas cannot regulate as waste any process of refining crude petroleum oil, etc., and declaring an emergency."

H. C. R. No. 5, Requesting the Railroad Commission to file a protest to the Interstate Commerce Commission relative to the abandonment of a certain railroad.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 12, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 6, Expressing thanks and appreciation to the Honorable Roy Miller, Senator Margie Neal and the Honorable Frank Scofield for the special courtesies recently extended to the members of the Legislature.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Simple Resolution No. 5.

Senator Woodul sent up the following resolution:

Whereas, The Southern States have never had a Secretary of Agriculture in the President's Cabinet; and

Whereas, Agriculture exerts more influence on the South than it does on any other section of the United States; now therefore, be it

Resolved by the Senate of Texas that we request and urge the Honorable Franklin D. Roosevelt, President-elect, to give earnest consideration to the claim of the Southland for such a place in his Cabinet. Be it further

Resolved, That the Secretary of the Senate be instructed to forward to the President-elect a copy of this resolution.

WOODUL,
POLLARD.

Read and adopted.

House Bill Referred.

H. B. No. 3 referred to Committee on State Affairs.

H. C. R. No. 6.

The Chair laid before the Senate:

H. C. R. No. 6, Expressing appreciation for entertainment by Texas

National Democratic Association on November 8, 1932.

Read and adopted.

H. C. R. No. 5.

The Chair laid before the Senate:

H. C. R. No. 5, Protesting abandonment of portion of San Antonio, Uvalde & Gulf Railroad Company.

Read and adopted.

At Ease.

At 10:43 o'clock a. m., the Senate stood at ease subject to the call of the Chair.

Message from the Governor.

Executive Office,

Austin, Texas, Nov. 12, 1932.

To the Senate of the Forty-second Legislature:

Subject to your confirmation, I have appointed Honorable Thos. R. Bond of Kaufman as presiding judge of the Sixty-eighth Judicial District of Texas, effective November 15th, 1932, to succeed Honorable Joel R. Bond, resigned.

Respectfully submitted,

R. S. STERLING,

Governor.

Read and referred to Committee on Governor's Nominations.

S. C. R. No. 3.

Senator Parr sent up the following resolution:

Relative to compensation for damage done by the Highway Department.

Whereas, On or about September 14, 1932, W. E. Pope of Corpus Christi, Texas, while on his way from Big Spring to San Antonio, was required by an employee of the State Highway Department of Texas, to drive his automobile from the regular traveled highway into a wet and unused byway and said automobile became stalled in the mud and by reason thereof said automobile was greatly injured;

Whereas, Said W. E. Pope has never been compensated by the State for the damages done said car, and the representatives of the Highway Department have declined to make investigation or to settle any damage for which the State may be liable; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Commission of Texas have authority to make such settlement as the facts warrant, or in the alternative the said W. E. Pope be and he is hereby authorized to sue the said Highway Department and the State of Texas for such amount as he may be by law entitled to recover.

PARR.

The resolution was read.

Senator Moore moved to refer the resolution to the Committee on Finance. The motion prevailed.

Messages from the House.

Hall of the House of Representatives.
Austin, Texas, Nov. 12, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 11, A bill to be entitled "An Act authorizing the payment to the head of any department of the State government of occupation, gross receipts, franchise, license or other privilege taxes or fees under protest upon the supposed ground of invalidity of the tax or lack of power to collect the same, etc."

S. B. No. 2, A bill to be entitled "An Act for the relief of water improvement districts and water control and improvement districts containing within their boundaries a city, or the greater part of a city, having, according to the last preceding United States census, a population of not less than forty thousand people, and empowering such districts without an election to refund outstanding bonded indebtedness including matured and unpaid interest coupons and accrued interest, and prescribing the manner in which and the terms and conditions upon which same may be refunded, and prescribing the duties and functions of the Attorney General and Comptroller of the State in connection with such refunding; and providing for the manner in which, and the terms and conditions upon which such districts may cancel all, or any part, of such unsold bonds

heretofore authorized by such districts; and declaring an emergency." (With amendment.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Nov. 12, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 5, A bill to be entitled "An Act amending Section 10, of Chapter 282, of the General Laws passed by the Regular Session of the Forty-second Legislature, relative to the licensing of chauffeurs of trucks; and declaring an emergency."

H. B. No. 6, A bill to be entitled "An Act providing for an open season on squirrels in Angelina and Tyler counties, providing a penalty, and declaring an emergency."

H. B. No. 12, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. B. No. 3 Re-referred.

On motion of Senator Purl, S. B. No. 3 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Finance.

Motion to Concur.

On motion of Senator Oneal, the Senate concurred in the House amendment to S. B. No. 2 by the following vote:

Yeas—22.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Russek.
Hornsby.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.

Absent.

Greer.

Absent—Excused.

Cousins.	Rawlings.
Cunningham.	Small.
Holbrook.	Woodward.
Martin.	

House Bill Referred.

H. B. No. 11, referred to Committee on Finance.

Senate Simple Resolution No. 6.

Senator Hornsby sent up the following resolution:

Whereas, Millions of dollars are being paid by policyholders in health and accident insurance in the State of Texas; and

Whereas, It has been reported to Members of the Senate that there is, at this time, a large list of beneficiaries who have not received payments due under the terms of policies issued by various companies; and

Whereas, Many needy people are suffering because of the failure of these companies to remit in accordance with the terms of these policies; now, therefore, be it

Resolved, That the Insurance Commission of Texas is hereby requested to furnish a list of all claims due and unpaid to policyholders, to the Senate of Texas, and the name of the company delinquent in payment to policyholders, and that said Insurance Commission be further requested to furnish the Forty-third (43rd) Legislature with such recommendations as it deems necessary to further guarantee the policyholders of Texas in sick and accident insurance companies the payment of such sums as shall be due them from time to time in accordance with the policies issued and the claims accruing therefrom.

HORNSBY,
PARRISH.

Read and adopted.

Recess.

On motion of Senator Woodruff, the Senate, at 12:13 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senator Murphy Sworn.

The Chair appointed Senators Pollard, Oneal, and Poage to escort Senator-elect Cecil Murphy to the platform where the Chair administered the oath of office.

The Chair introduced Senator Murphy, who briefly addressed the Senate.

House Bills Referred.

H. B. No. 5, referred to Committee on Highways and Motor Traffic.

H. B. No. 6, referred to Committee on State Affairs.

H. B. No. 12, referred to Committee on State Affairs.

At Ease.

By unanimous consent the Senate stood at ease for five minutes at 2:13 o'clock p. m.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolutions:

S. B. No. 2.	H. C. R. No. 5.
H. C. R. No. 6.	

Call of the Senate.

On motion of Senator Purl, a call of the Senate was ordered to obtain and maintain a quorum.

Motion to Recess.

Senator Purl moved that the Senate recess until 7:30 o'clock p. m. today.

By unanimous consent the call was dissolved.

Senator Parr moved to adjourn until Monday morning at 9 o'clock.

The motion to adjourn until 9 o'clock Monday was lost by the following vote:

Yeas—8.

Gainer.	Parr.
Hardin.	Stevenson.
Hopkins.	Williamson.
Neal.	Woodruff.

Nays—9.

Beck.	Murphy.
Berkeley.	Oneal.
DeBerry.	Poage.
Hornsby.	Purl.
Moore.	

Absent.

Cunningham.	Thomason.
Parrish.	Woodul.
Pollard.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Woodward.
Patton.	

Senator Stevenson moved to recess until 9 o'clock Monday morning. The motion was lost by the following vote:

Yeas—7.

Gainer.	Stevenson.
Hopkins.	Williamson.
Neal.	Woodruff.
Parr.	

Nays—10.

Beck.	Moore.
Berkeley.	Murphy.
DeBerry.	Oneal.
Hardin.	Poage.
Hornsby.	Purl.

Absent.

Cunningham.	Thomason.
Parrish.	Woodul.
Patton.	Woodward.
Pollard.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	

The motion to recess until 7:30 o'clock tonight was lost by the following vote:

Yeas—8.

Berkeley.	Murphy.
DeBerry.	Oneal.
Hornsby.	Poage.
Moore.	Purl.

Nays—9.

Beck.	Hopkins.
Gainer.	Neal.
Hardin.	Parr.

Stevenson.	Woodruff.
Williamson.	

Absent.

Cunningham.	Thomason.
Parrish.	Woodul.
Pollard.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Woodward.
Patton.	

Call of the Senate.

Senator Purl moved a call of the Senate for the purpose of obtaining and maintaining a quorum. The motion prevailed by the following vote:

Yeas—12.

Beck.	Murphy.
Berkeley.	Neal.
DeBerry.	Oneal.
Hardin.	Poage.
Hornsby.	Purl.
Moore.	Williamson.

Nays—4.

Gainer.	Stevenson.
Parr.	Woodruff.

Absent.

Cunningham.	Pollard.
Hopkins.	Thomason.
Parrish.	Woodul.
Patton.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Woodward.

By unanimous consent, the Senate stood at ease until 7:30 o'clock p. m.

The Senate was called to order at 7:30 o'clock p. m. by Lieutenant Governor Edgar E. Witt.

The roll was called, 19 being present.

Senator Hopkins moved to recess until 10 o'clock Monday morning.

Senator Purl raised the point of order that, no quorum being present, the Senate could only adjourn or recess from day to day.

The Chair, Lieutenant Governor Edgar E. Witt, held that Sunday was not considered a legislative day.

Upon inquiry by Senator Pollard, the Chair, Lieutenant Governor Edgar E. Witt, held that to recess would dissolve the call.

Senator DeBerry raised the point of order that, under a call, the Senate could not recess but must adjourn because by recessing no roll call would be required when the Senate reassembled to determine whether a quorum was present.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that if the Senate recessed while a quorum was lacking it would be necessary to call the roll immediately upon reconvening for the purpose of determining whether a quorum was then present.

Senator Purl raised the point of order that a quorum was lacking. The roll call showed the following present.

Present—22.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Russek.
Hornsby.	Stevenson.
Moore.	Williamson.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Cousins.	Rawlings.
Greer.	Small.
Holbrook.	Thomason.
Martin.	Woodward.
Patton.	

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Nov. 12, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution.

S. B. No. 1, A bill to be entitled "An Act regulating crude petroleum oil and natural gas relative to the production, transportation and storage; amending Section 1 of Chapter 26 of Acts of the Forty-second Legislature, First Called Session, changing the definitions of waste and prohibiting waste as defined, and

eliminating the restrictions upon the power of the commission therein contained, and eliminating the last paragraph of said section; providing that the Railroad Commission of Texas cannot regulate as waste any process of refining crude petroleum oil; amending Section 5 of Chapter 26 of Acts of the Forty-second Legislature, First Called Session, by adding to the authority and duty of the Railroad Commission that of inquiring into the market demand for crude petroleum oil and natural gas to determine whether waste exists or is imminent, and to require sworn statements as to the market demand for such oil and gas, and also providing for methods of securing information as to production, storage and transportation; amending Section 7 of Chapter 26 of Acts of Forty-second Legislature, First Called Session, by eliminating certain provisions therefrom and changing other so that as amended said section provides for notice and hearing by the Railroad Commission of Texas, authorizing such Commission to make rules, regulations or orders to correct, prevent or lessen waste, provides for the distribution of the allowable production of crude petroleum oil and natural gas as between properties and pools, requires compliance therewith, and provides for revocation, amendment, renewal and extension of rules, regulations or orders upon certain conditions; amending Section 15 of Chapter 26 of Acts of the Forty-second Legislature, First Called Session, requiring the said commission to make and enforce rules, regulations or orders and do all things necessary for the conservation of crude petroleum oil or natural gas and the prevention of waste, and specifying certain purposes; amending Section 8 of Chapter 26 of Acts of the Forty-second Legislature, First Called Session, providing for judicial review of laws relating to conservation of crude petroleum oil or natural gas, and rules, regulations, or orders issued thereunder fixing the jurisdiction and providing procedure therein, fixing the burden of proof and establishing prima facie validity that if any part of this Act be held unconstitutional the remaining portions shall nevertheless be valid; making this Act cumulative of all laws not inconsistent herewith and not express-

ly repealed or amended; repealing Section 9 of Chapter 26 of Acts of the Forty-second Legislature, First Called Session, and Section 11j of Chapter 28 of Acts of the Forty-second Legislature, First Called Session, and all other laws and parts of laws in conflict herewith; and declaring an emergency."

H. C. R. No. 7, Providing for sine die adjournment of the Fourth Called Session of the Forty-second Legislature at 10 p. m., November 12, 1932.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Executive Session Set.

On motion of Senator Pollard, the Senate voted to go into Executive Session immediately upon final passage of S. B. No. 1.

House Bill No. 5.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Mr. Burns of McCulloch, Mr. Johnson of Dallam, and Mr. Albritton:

H. B. No. 5, A bill to be entitled "An Act amending Section 10, of Chapter 282, of the General Laws passed by the Regular Session of the Forty-second Legislature, relative to the licensing of chauffeurs of trucks; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 5 was put on its second reading by the following vote:

Yeas—20.

Beck.	Neal.
Berkeley.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Hardin.	Pollard.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Moore.	Woodruff.
Murphy.	Woodul.

Present—Not Voting.

Purl.

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Thomason.
Patton.	Woodward.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 5 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Thomason.
Patton.	Woodward.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Thomason.
Patton.	Woodward.

House Bill No. 6.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Mr. Laird:

H. B. No. 6, A bill to be entitled "An Act providing for an open season on squirrels in Angelina and Tyler Counties, providing a penalty, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended unanimously.

The committee report was adopted.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 6 was put on its second reading by the following vote:

Yeas—21.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Thomason.
Patton.	Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 6 was put on its third reading and final passage by the following vote:

Yeas—21.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Moore.	Williamson.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Woodward.
Patton.	

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Moore.	Williamson.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Woodward.
Patton.	

House Bill No. 12.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Mr. West of Cameron:

H. B. No. 12, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 was put on its second reading by the following vote:

Yeas—21.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Thomason.
Patton.	Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Thomason.
Patton.	Woodward.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Absent—Excused.

Cousins.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Martin.	Thomason.
Patton.	Woodward.

Senate Simple Resolution No. 2.

The Chair laid before the Senate: S. S. R. No. 2, Amending certain rules of the Senate.

On motion of Senator Moore, the resolution was laid on the table subject to call.

Message from the House.

Hall of the House of Representatives, Austin, Texas, Nov. 12, 1932.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 8, Authorizing the Enrolling Clerk of the House to make typographical corrections in H. B. No. 6.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 8.

The Chair laid before the Senate: H. C. R. No. 8, Authorizing typographical correction of H. B. No. 6. Read and adopted.

President Pro Tem Ad Interim.

Senator Hardin nominated Senator Woodruff for President Pro Tem Ad Interim.

The nomination was seconded by Senators Pollard, Beck, Woodul, Hornsby, Neal, Berkeley, Purl, Moore, Poage, DeBerry and Parrish.

The Chair appointed Senator Purl as teller. The teller announced the following results:

Senator Woodruff—21 votes.

The Chair declared Senator Woodruff duly elected President Pro Tem Ad Interim and appointed Senators Hardin and Purl to escort Senator Woodruff to the platform where he Chair administered the oath of office.

The Chair introduced President Pro Tem Ad Interim Grady Woodruff, who briefly addressed the Senate.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 1.	H. B. No. 12.
H. B. No. 6.	H. C. R. No. 8.
H. B. No. 5.	H. C. R. No. 7.

Senate Simple Resolution No. 7.

Senator Poage sent up the following resolution:

Whereas, It will be necessary for certain services to be performed by various officials and employees of

the Senate after the adjournment of the Session; now therefore, be it

Resolved by the Senate of Texas, That the following named employees and no others be retained on the payroll of the Senate after final adjournment of the Fourth Called Session of the Forty-second Legislature, and that said named employees be retained only for the number of days specified in each case, and that they receive no compensation other than, as hereinafter provided, and that they and each of them shall perform the duties herein specifically assigned, and any and all such other and additional duties pertinent to the business of the Forty-second Legislature, as the President of the Senate shall direct, viz:

The Secretary of the Senate shall be retained for 30 days at a salary of \$10.00 per week day, and shall be allowed to retain one assistant for three days at a salary of \$5.00 per day;

The Journal Clerk shall be retained for 20 days at a salary of \$7.50 per week day, and he shall prepare and deliver to the public printer the Journal of the Senate, together with complete index of the same and deliver to the Secretary of State all documents, bills, papers and Journals required by law to be so delivered by him.

The Sergeant-at-Arms and one assistant shall be retained for a period of three days after adjournment, and shall place the Senate Chamber in order, and close his books. There shall also be retained for three days to assist the Sergeant-at-Arms three porters and one page for which services the Sergeant-at-Arms shall receive \$7.50 per day, his assistant \$5.00 per day, three porters and the one page \$3.00 per day each;

The Calendar Clerk and the Enrolling and Enrolling Clerks shall each be retained for one day after adjournment, and the Mailing Clerk shall be retained for two days, and shall each receive for such services \$5.00 per day, and shall close their respective records, and should the Journal of the last day not be available for mailing to the members

within such time, then and in that event the Journal Clerk shall, and he is hereby instructed to mail two copies thereof to each member of the Senate as soon as same is ready for mailing.

A Custodian of the Senate, a secretary to the Lieutenant-Governor, a head porter and a matron shall be selected and employed by the Lieutenant Governor to serve from the adjournment of the Fourth Called Session of the Forty-second Legislature until the convening of the next Session of the Legislature, and shall perform such duties as may be prescribed by the Lieutenant Governor, and shall receive compensation as follows:

Secretary to Lieut. Governor	-----	\$150.00 per month
Custodian of the Senate	-----	\$150.00 per month
Head Porter	-----	\$125.00 per month
Matron	-----	\$ 75.00 per month

All salaries and compensation above provided for, shall be paid out of the contingent expense fund of the Senate upon warrant signed by the Lieutenant Governor.

POAGE.

By unanimous consent, reading of the resolution was dispensed with and the resolution was adopted unanimously.

Executive Session.

At 10 o'clock p. m., the Chair announced that the hour for the executive session had arrived.

The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Confirmed.

Hon. L. W. Rogers of Travis County, as Superintendent of Public Instruction, for the unexpired term of Hon. C. N. Shaver, resigned.

Hon. Myron Blalock of Marshall, Texas, as Chief Justice of the Court of Civil Appeals for the Sixth Supreme Judicial District of Texas, for the unexpired term of Chief Justice Sam. P. Willson, deceased.

Hon. Renne Allred, Jr., of Rusk County, as Presiding Judge of the

Special District Court of Rusk and Gregg Counties, which was created by Chapter 48 of the Acts of the Forty-second Legislature, at its Third Called Session.

Hon. Thos. R. Bond of Kaufman, as Presiding Judge of the Eighty-sixth Judicial District of Texas, effective November 15, 1932, to succeed Hon. Joel R. Bond, resigned.

Refused to confirm Roy Johnson of Austin, re-appointed a member of the State Board of Barbers Examiners, for the next ensuing statutory term.

Senate Simple Resolution No. 8.

Senator Hardin sent up the following resolution:

Resolved by the Senate that Senator Gus Russek be added to the committee as authorized by the Regular Session creating the Committee on Taxation as outlined in said resolution.

HARDIN.

Read and adopted.

Lieutenant Governor Added to Committee.

Senator Purl received unanimous consent that Lieutenant Governor Edgar E. Witt be added ex-officio without vote to the Fee Committee.

Senator Murphy Appointed to Committee.

The Chair announced the appointment of Senator Cecil Murphy to succeed Senator Loy on all committees of which Senator Loy was a member during the Forty-second Legislature.

H. C. R. No. 7.

The Chair laid before the Senate:

H. C. R. No. 7, Setting the date of sine die adjournment for Saturday, November 12, 1932, at 10 o'clock p. m.

Notification Committees Appointed.

The Chair appointed the following Notification Committees to inform the Governor and the House that the Senate had completed its labors and was ready to adjourn sine die:

To notify the Governor: Senators Hardin, Oneal, and Parr.

To notify the House: Senators Moore, Gainer, and Williamson.

Notification Committees Report.

The committee appointed to notify the House appeared at the bar of the Senate and Senator Moore informed the Senate that the committee had performed its duty.

The committee appointed to notify the Governor appeared at the bar of the Senate and Senator Hardin informed the Senate that the committee had performed its duty.

Sine Die Adjournment.

At 10 o'clock p. m., the Chair declared the Fourth Called Session of the Forty-second Legislature adjourned sine die.

APPENDIX.

Petitions and Memorials.

Austin Texas, Nov. 12, 1932.

Hon. Edgar E. Witt, President of the Senate, Capitol Building.

My Dear Governor Witt:

On November 15-17, inclusive, at the Rice Hotel, Houston, Texas, the 13th Annual Convention of the American Petroleum Institute will be held. On behalf of the members of the Institute, I desire to extend to you and all members of the Senate a most cordial invitation to attend this convention. The members of the Legislature are frequently called upon to pass laws affecting the oil industry, and they will probably find the sessions of this convention interesting and helpful. The general meetings of the Institute are always open to the public and practically every phase of the activities of this industry are discussed at these conventions.

The headquarters of the convention will be located in the Rice Hotel. Those members of your honorable body who may be able to attend are requested to register at the booth and make themselves known, in order that every possible courtesy may be extended to them and any information desired may be furnished.

Hoping that we may be favored by the attendance of yourself and every member of the Senate, I remain,

Very truly yours,

J. EDGAR PEW.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 2 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared and find same correctly enrolled.

GAINER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. C. R. No. 3, Relative to compensation for damages done by the State Highway Department.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 5, A bill to be entitled "An Act amending Section 10, of Chapter 282, of the General Laws passed by the Regular Session of the

Forty-second Legislature relative to the licensing of chauffeurs of trucks; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 6, A bill to be entitled "An Act providing for an open season on squirrels in Angelina and Tyler Counties, providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 11, Relative to the payment of occupation, gross receipts, franchise, license or other privilege taxes or fees.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 3, Relating to the issuance of bonds for park purposes.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, Nov. 12, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred

S. S. R. No. 2, Same being an amendment to Rule 31A, Rule 70, and Rule 87 of the General Rules of the Senate.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARDIN, Chairman.

Employees of Senate, Fourth Called Session, Forty-second Legislature, 1932.

Officers.

Bob Barker, Fort Worth, Secretary of the Senate, \$10.00 per day.

Wendell O'Neal, Austin, Journal Clerk, \$7.50 per day.

Patti Clendennin, Sulphur Springs, Assistant Journal Clerk, \$7.50 per day.

Max Dreyer, Raymondville, Calendar Clerk, \$7.50 per day.

Martha Turner, Fort Worth, Asst. Calendar Clerk, \$7.50 per day.

Rev. W. H. Doss, Ballinger, Chaplain, \$5.00 per day.

Lee McDougal, Sherman, Custodian of supplies, \$5.00 per day.

A. W. Holt, Austin, Sergeant-at-Arms, \$7.50 per day.

Theodosia Bell, Houston, Librarian, \$5.00 per day.

Private Secretary to Lieutenant Governor and Secretary to Secretary of the Senate.

Miss Hazel Avery, San Antonio, Private Secretary to Lieutenant Governor, \$5.00 per day.

Mrs. Bessie Pierce, Beaumont, Secretary to Secretary of the Senate, \$5.00 per day.

Secretaries to Senators: Salaries \$5.00 per Day.

Louise Berkeley, Alpine—Beck.

Mrs. Grace Corkran, Alpine—Berkeley.

Carl Strack, Beaumont—Cousins.

Virginia Toole, Austin—Cunningham.

Dick DeBerry, Bogata—DeBerry.

Mary Nell Spires, Austin—Gainer.

Texas Elrod, Athens—Greer.

Mrs. Mayfair Taylor, Austin—Hardin.

Mrs. Emma M. Shirley, Austin—Holbrook.

Page Randolph, Austin—Hopkins.

Violet Woodward, Austin—Hornsbey.

Mary Belle Federer, Sherman—Murphy.

Myrtle Aderhold, Austin—Martin.

Faye Winn, Dallas—Moore.

Ruth Kluge, Austin—Neal.

Mary Cowart, Wichita Falls—Oneal.

Mrs. Vance Stockton, Austin—Parr.

Eugene Digges, Jr., Austin—Parrish.

J. Catherine Long, Houston—Patton.

Faye Burney, Waco—Poage.

Dulse Lux, Tyler—Pollard.

Mrs. Jacque Barcus, Austin—Rawlings.

Kathryn Goodwyn, Dallas—Russek.

Frances Johnson, Fort Worth—Small.

Amelia Mallory, Port Lavaca—Stevenson.

Mrs. Elsie Stinson, Austin—Thomason.

Ann Watson, Austin—Williamson.

Emma Dean Baggett, Decatur—Woodruff.

Mrs. E. Lawson, Houston—Woodul.

Geneva Pillow, Coleman—Woodward.

Assistant Sergeants-at-Arms:
Salaries \$5.00 Per Day.

T. J. McLendon, Waco—Assistant Sergeant-at-Arms.

J. O. West, Coleman—Assistant Sergeant-at-Arms.

Dent Gibson, Merkel—Assistant Sergeant-at-Arms (half time).

Ansel Rhea, Levelland.

W. T. Beard, San Antonio (half time).

McCollum Burnett, San Antonio (half time).

David White, Uvalde (half time).

Aubrey Jackson, Beaumont.

Jim Hale, Abilene.

Doyle Willis, Corsicana.

Chester Roberts, Burkburnett.

Doorkeepers: Salaries \$5.00 Per Day.

A. L. Collins, Austin.

W. O. Alexander, Bryan.

J. H. Moore, Hillsboro.

Woodrow Alexander, Tyler.

Jesse Taylor, Tyler.

Will Duff, Schulenberg.

Ted Read, Memphis.

Jess Carter, Hereford.

Engrossing and Enrolling Clerks.

Essie McGinnis, Terrell—\$7.50 per day.

Beverly Randolph, Austin—\$5.00 per day.

Robert Williamson, Moody (half time).

Wilma Glass, DeKalb—\$5.00 per day.

Proof Readers.

Mrs. Mary Greer Rugeley, Austin—\$5.00 per day.

Bullock Hyder, Austin—\$5.00 per day.

John May, Kennedy—\$5.00 per day.

Mailing Clerks: Salaries \$5.00 Per Day.

Josephine Collins, Dallas.

Estelle Gardner, Austin.

George Urquhart, Beaumont (half time).

Hale Schaleben, Edinburg.

Mrs. Frances Munhall, Conroe

Burton E. Miles, Rockdale (half time).

Merle Blythe, Austin.

General Pages: Salaries \$3.00 Per Day.

Tom Rowley, Austin.

Herman Hilscher, Austin.

Leonard Hicks, Austin.

Sammie West, Austin.

Jack Meacham, Austin.

John Faubion, Jr., Marble Falls.

Jack Merritt, Austin.

Malcolm Meyer, Austin.

Bill Overstreet, Dallas.

Albert Townsend, Austin.

General Messengers: Salaries \$3.00 Per Day.

Raymond Nipper, San Antonio.

T. J. Rogers.

M. V. Carson, Jr., Austin.

Messengers to Mailing Room: \$3.00 Per Day.

Matt Parker, Carthage—\$2.50 per day.

Billy Roy Gullledge, Abilene—\$3.00 per day.

Barnes Fowler, Austin.

Private Messenger to Secretary of the Senate.

Hewett Davis, Austin—\$3.00 per day.

Private Messenger to Lieutenant Governor.

Joe Greenlee, Corsicana—\$3.00 per day.

Messengers to Lieutenant Governor.

George Sparks, Austin (half time).

Jack Leaverton, Corsicana (half time).

Messenger to Sergeant-at-Arms.

Johnie Parker, Austin—\$3.00 per day.

Telephone Messenger.

Jack Corbett, Austin—\$3.00 per day.

Night Elevator Operator.

Russell Hicks, San Antonio—\$3.00 per day.

General Porters.

Tom Burton, Mumford. (Porter carrying mail, \$4.00 per day.)

Henry Brown, Austin—\$3.00 per day.

Buck Green, Austin—\$3.00 per day.

Arthur Johnson, Coleman—\$3.00 per day.

B. F. Smith, Austin—\$3.00 per day.

Hilbert King, Austin—\$3.00 per day.

Bozia Harris, Nixon—\$3.00 per day.

J. B. Brown, Dallas—\$3.00 per day.

**PROCEEDINGS OF SENATE
SITTING AS
COMMITTEE OF THE WHOLE
November 4-9, 1932**

**IN THE COMMITTEE OF THE
WHOLE.**

By Purl.

Senate Resolution No. 1.

Resolved, That the Chairman of the Committee of the Whole of the Fourth Called Session of the Forty-second Legislature be, and it is hereby authorized and empowered in all respects granted the right to summon any and all witnesses to appear before the Committee in Austin, Texas, at such time as the Committee may direct to the end that a full and complete discussion and investigation may be had by said Committee with respect to the measure now before said Committee, known as Senate Bill No. 1; be it further

Resolved, That each Member of the Committee of the Whole be privileged to interrogate any witness appearing before said Committee and that such Members be privileged to file the name or names of parties to be summoned as witnesses; provided no person shall be summoned, save and except on a majority vote of the Committee; be it further

Resolved, That said Committee shall hold its hearings in the Senate Chamber in the Capitol at Austin, Texas, and that all hearings shall be public; provided further that the Committee shall close its hearings, on or before November 9, 1932, at twelve o'clock noon; be it further

Resolved, That the Chairman of the Committee shall have the power to administer the oath to witnesses, the same as that administered to witnesses in the District Courts of this State.

That said Committee through its Chairman be authorized to employ and compensate all court reporters necessary to take down and transcribe all testimony directed by said Committee and said testimony shall

be reduced to writing and printed in the Journal of the Senate.

That hearings be held from day to day until a majority of the Committee of the Whole direct otherwise.

That the Senate be requested to authorize payment of all necessary expenses incident to the above hearings out of the Contingent Fund.

PURL.

I hereby certify that Senate Resolution No. 1 was adopted November 4, 1932.

BOB BARKER,
Secretary of the Senate.

**Committee of the Whole
Senate
Forty-second Legislature
Fourth Called Session**

**November 4th, 1932.
7:30 P. M.**

Mr. Rawlings, Chairman: The members of the Committee will please come to order. I wish the members of the Senate would find seats around the table. Will the Senators please find seats around the table so we might start the hearing? The Secretary will call the roll.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Woodruff.
Martin.	Woodul.
Neal.	Witt, Lieutenant-Governor.
	Absent.
Hopkins.	Patton.
Moore.	Russek.
Parrish.	Thomason.